IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.8151 of 2005

Between:

1. Jabili Wines, License No.588, Door No.8/69, Main Road, MSR Road, Kanigiri, Prakasham Dist. rep.by its Licence Holder, Madala Venkata Suribabu, S/o.Ashwathanarayana, R/o.Kanigiri.

2. New Apsara Wines, License No.430, D.No.5-1A, O V Road, Kanigiri, B. Venkatanarayana, S/o.Malakondaiah,

3. Kokila Wines, License No.602, Chinthalapalem, Kanigiri Mandal, Prakasham District, rep.by its Licensee M.Malakonda Reddy, S/o.Malakonda Reddy.

4. Amarnath Wines, Licence No.137, D.No.7-220, Kanigiri, Prakasam District. rep.by its Licensee M.Dayakar Reddy, S/o.Papireddi,

5. Sri Sainatha Wines, License No.420, D.No.8-166, M.S.R.Road, kanigiri, prakasham Dist. rep.by its License M.Bala Hanumanthu, S/o.Anjaiah, R/o.Kanigiri.

6. Sri Lakshmi Wines, License No.464, D.No.7-233, Kanigiri, prakasam District, rep.by its Licensee P.Ramesh, S/o.Pitchaiah, R/o.Kanigir.

7. Sri Vijaya Wines, License No.321, D.No.2-203, O V Road, Kanigiri, Prakasham Dist. rep.by its Licensee M.Malakonda Reddy, S/o.Malakonda Reddy,

8. Sri Venkateshwara Wines, License No.315, Near MRO office,Main Road, Kanigiri Prakasham Dist. rep.by its Licensee A Brahmaiah, S/o.Tirupalu,

9. Vijayalakshmi Wines, License No.491, D.No.9-412, Kanigiri, Prakasham Dist. rep.by its Licensee Sheik Ahmed Basha, S/o.Khazavali,

10. Jyothi Wines, License No.313, D.No.7-13 Near Pamur Busstand,

kanigiri, Prakasam Dist. rep.by its Licensee S,Mohan Reddy, S/o.Venkataiah,

11. Prasannanjaneya Wines, License No.548, Podili, Prakasam Dist. rep.by its Licensee Avula Sanjeeva Reddy, S/o.Venkatasubba Reddi.

12. New Venkateshwara Wines, License No.153, Podili, Prakasham District, rep.by its Licensee Bhooma Ramesh Babu, S/o.Venkateswarlu,

13. Lakshmi Srinivasa Wines, License No.154, Podili, Prakasham District, rep.by its Licensee Bhooma Subbaiah, S/o.Satyanaryana

14. Saikrishna Wines, License No.298, Podili, Prakasham District, rep.by its Licensee Challa Narasimha Reddi, S/o.Roshmaiah.

15. Sainadha Wines, License No.148, Podili, Prakasham Dist. rep.by its Licensee,
Mandalapu Srinivasulu, S/o.Lakshmaiah.

16. Lakshmi Sravani Wines, License No.292, Podili, Prakasham Dist. rep.by its Licensee Devaki Adivisetti,

17. Vighneshwara Wines, License No.37, Darisi, Prakasham District, rep.by its Licensee Bachina Subba Rao. S/o.Seshaiah.

18. Siva Wines, License No.164, Darsi, Prakasham Dist., rep.by its Licensee medam Sivakoti Reddy, S/o.Konda Reddy.

19. Kalyani wines, License No.40 Darsi Prakasham District. rep.by its Licensee R.Srinivasa Rao, S/o.Ramanadham

20. Sai Wines, License No.160, Darsi, Pakasham Dist. rep.by its Licensee Vennapusa Nagireddi, S/o.Venkateshwara Reddy.

21. Lakshmi Srinivasa Wines, License No.550, Darsi, Prakasham, District rep.by its Licensee Y Balakoti Reddi, S/o.Anthireddi.

22. Ramya Wines, License No.239, Darsi, Prakasham District rep.by its LIcensee Alla Ravindra Reddy, S/o.Koti Reddy.

23. Sai Narayana Wines, License No.163, Rajampalli (V), Darsi, Prakasham District, rep. by its Licensee Bandaru Narsaiah, S/o.Balakotaiah,

24. Sainath Wines, License No.209, Pallipalem, Butchireddipalam (M) Nellore District, rep.by its Licensee, RL Narasimha Rao, S/o.Kondaiah.

25. Rajasimha Wines, Lic.No.266, Butchireddipalem, Nellore District, rep.by its Licensee D.Venkateswarlu, S/o.Subbaiah.

26. Royal Wines, Lic.No.211, Butchireddipalem, Nellore Dist., rep.by its Licensee, S.Srinivasulu Reddy, S/o.Kodandarami Reddy.

27. Sri Balaji Wines, Lic.No.206, Butchireddipalem, Nellore District, rep.by its Licensee M.Yella Reddy, S/o.Yella Reddy.

28. Raviteja Wines, Lic.No.284,Butchireddipalem, Nellore Dist. rep.by its Licensee M.Murali, S/o.Govindappa.

29. Sri Sai Wines, Lic.No.210, Butchireddipalem, Nellore District rep.by its Licensee M.Madhusadana Reddy, S/o.Venkata Reddy,

30. Peacock Wines, Lic.No.151, Butchireddipalem, Nellore District, rep.by its Licensee Y.Lakshmi, W/o.Subba Reddy.

31. Vishnupriya Wines, Lic.No.301, Kattubadipalem, Butchireddipalem Mandal, Nellore District rep.by its Licensee B.Ramanjaneyulu, S/o.Guravaiah.

32. Ruby Wines, Lic.No.401, Mundlapudi, Butchipudi, Nellore District, rep.by its Licensee R.Pradeepkumar S/o.Purushotham.

33. Sri Sindhura Wines, Lic.No.207, Rebaka Butchi Mandal, Nellore District, Bijja Masthan Reddy, S/o.Venkataramana Reddy

34. Babu Wines, Lic.No.73, Atmakur Town, Nellore Dist., rep.by its Licensee SK.Khader basha, S/o.Rasool Saheb

35. Akhil Wines Lic.nO.68, Atmakur Town, Nellore District rep.by its Licensee Alladi Sidhar Reddy, S/o.Lachha Reddy,

36. Balaji Wines, Lic.No.69, Atmakur Town, Nellore District, rep.by its License D.Narasimhulu, S/o.Polaiah.

37. Revathi Wines, Lic.No.101, Nellrripalem Atmakur (M), Nellore Dist. rep.by tis Licensee Cherukuri Ramakrishna, S/o.Tirupathi Naidu.

38. Kalyani Wines, Lic.No.323, Atmakur, Nellore District rep.by its Licensee M.Penchala Reddy, S/o.Raghavareddi

39. Srinivasa Wines, Lic.No.378, Atmakur Town, Nellore District, rep.by its Licensee Mallipeddi Ramanaiah, S/o.Venkataswamy.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Revenue (Excise-II)

Department, Secretariat Saifabad, Hyderabad.
2 The Commissioner, Prohibition & Excise, Hyderabad.
3 The Prohibition & Excise Superintendent Ongole, Prakasham

District.
4 The Prohibition & Excise Superintendent, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring that G.O.Ms.No.185 (Revenue Excise-II Department) dated 7-2-2002 and its consequential G.O.Ms.No.391 dt.30/3/2005 in permitting IL-17 Bars in any place with more than 25,000 population without any restriction or qualitative

requirement of eligible criteria and permitting licensing and establishment of any number of Bars i.e., IL 17 Bars as arbitrary, capricious and is violative of Articles 14, 19 (1)(g) and 21 of the Constitution of India and declare the same as unconstitutional.

Counsel for the Petitioner: MR.K.R.PRABHAKAR

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

The petitioners challenge the orders of the Government in G.O.Ms.No.185, Revenue (Excise-II) Department, dated 07.02.2005. By the said Government Order, the Government issued policy guidelines for the year 2005-2006 in the matter of grant of licences in Form IL-17 under A.P.Indian Liquor and Foreign Liquor Rules, 1970 (for short, the Rules). The Government also issued a similar Government Order being G.O.Ms.No.184 dated 07.02.2005, under which policy guidelines were issued relating to the grant of licences in Form IL-24 under the Rules.

The said Government Order was challenged in a batch of cases before this Court. The learned Single Judge declared the impugned Government Order as illegal and set aside the same. The Government's appeal before the Division Bench in **Government of Andhra Pradesh v A.Hanumantha Rao** was also unsuccessful.

Therefore, the writ petition has to be allowed. However, it is brought to the notice of this Court that after the impugned Government Order was set aside, the Government of Andhra Pradesh promulgated new set of rules granting A.P.Indian Liquor and Foreign Liquor Rules introducing the system of issuing licences by calling tenders. In that view of the matter, nothing survives in the writ petition.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

28.06.2005.

pln

Rule is made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday the twenty eighth day of June Two thousand and five only.

To

1 The Secretary, Government of Andhra Pradesh, Revenue (Excise-II)

Department, Secretariat, Saifabad, Hyderabad.

2 The Commissioner, Prohibition & Excise, Hyderabad.

3 The Prohibition & Excise Superintendent Ongole, Prakasham

District.

4 The Prohibition & Excise Superintendent, Nellore, Nellore District.

5 Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

6 Two C.D. Copies.